

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

VS.

JEAN NORISCAT,
Defendant.

**CRIMINAL ACTION
NO. 05-10110-MLW**

ORDER ON THE
MOTION TO REVOKE DEFENDANT'S RELEASE

May 28, 2008

SOROKIN, M. J.

Defendant Noriscat appeared before the undersigned for a hearing on Pretrial Services' Motion to revoke his release in light of criminal conduct committed while on release, specifically the criminal conduct alleged in Indictment 08cr10121.

I find that the Indictment and evidence submitted by the Government at the hearing establishes probable cause that the Defendant committed federal offenses while on release from this Court – the offenses alleged in the Indictment in Crim. No. 08cr10121. In this circumstance, Title 18 U.S.C. § 3148(b) establishes a rebuttable presumption that no condition or combination of conditions will assure that the defendant will not pose a danger to the safety of any other person or the community. The defendant has not rebutted that presumption.

I find that there are no conditions or combination of conditions that will assure that the defendant will not flee or pose a danger to the safety of any other person or the community. The evidence appears strong that the defendant committed serious offenses while on release from this

Court. Indeed, some of the criminal conduct alleged in the Indictment occurred after the defendant executed his agreement to plead guilty. In addition to these reasons, I rely upon the findings of fact and rulings of law made at the conclusion of the detention hearing.

The Order Releasing the Defendant is hereby REVOKED.

ORDER OF DETENTION PENDING TRIAL

In accordance with the foregoing memorandum, IT IS ORDERED:

1. That Jean Noriscat be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. That Jean Noriscat be afforded a reasonable opportunity for private consultation with counsel; and
3. That on order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Jean Noriscat is detained and confined shall deliver Jean Noriscat to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

/s/ Leo T. Sorokin
LEO T. SOROKIN
United States Magistrate Judge

